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NAZI WAR CRIMES DISCLOSURE ACT  
DATE 2000 2005

SECRET

21 September 1960

Memorandum for the Record

Subject: Dr. Robert M. W. KEMPNER [ ] [ ]

The writer this date learned from Mr. [ ] of EE/G that he had just learned from a contact of his who in turn is in contact with Mrs. Robert M. W. KEMPNER, that Subject will be the Prosecutor in the trial of Adolf EICHMANN, ex-Nazi War Criminal who was kidnapped in Argentina by Israeli Agents and taken to Israel for trial. It is presumed that the trial will be held in Israel.

No further details on progress of negotiations between the Federal Republic of Germany and the Government of Israel with respect to the possible transfer of EICHMANN from Israeli to West German Custody for trial in the Federal Republic of Germany, are known to the writer at the present time. It is noted that at the time that EICHMANN first was reported kidnapped from Argentina, then subsequently surfaced in Israel, among the voluminous publicity given the case, there was mention of some type of inter-governmental negotiation between Germany and Israel with respect to the possible lack of legal jurisdiction of Israeli Courts to put on trial an individual who, had he been apprehended in time, would have been placed on trial at Nuremberg in 1946-48 before the International War Crimes Tribunal in which the Allied Nations participated to try the primary Nazi war criminals. In the interim the writer has not had an opportunity further to pursue this aspect of the EICHMANN case, and therefore is not familiar with the resolution of this question.

It should be noted, however, that Subject was Deputy to the U.S. Prosecutor at Nuremberg, and more recently was a privately practicing attorney with offices in the U.S.A. and in Frankfurt/Main Germany, following his readmission to practice before the Courts of the Federal Republic of Germany. Also, in recent years, he has been the Legal Counsel Representing Israeli Governmental Claims against the Federal Republic of Germany for Payment of Restitution to the Israelis. Under the circumstances, therefore, it is possible that subject could be serving as the Prosecuting Attorney in the EICHMANN trial wherever it may be held, i.e. in either Israel or in the Federal Republic, which fact should be ascertainable from whichever Source or Division is currently following the EICHMANN case.

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